



THE CITY OF SAN DIEGO
DATE OF NOTICE: January 5, 2022

NOTICE OF PUBLIC HEARING

PLANNING COMMISSION RECONSIDERATION

DATE OF HEARING: January 20, 2022
TIME OF HEARING: 9:00 A.M.
LOCATION OF HEARING: VIRTUAL HEARING
PROJECT NO: 660383
PROJECT NAME: GATEWAY CANNABIS OUTLET CUP - RECONSIDERATION
PROJECT TYPE: CONDITIONAL USE PERMIT, NEGATIVE DECLARATION, PROCESS THREE
APPLICANT: ABHAY SCHWEITZER
COMMUNITY PLAN AREA: SOUTHEASTERN SAN DIEGO
COUNCIL DISTRICT: 9

CITY PROJECT MANAGER: Travis Cleveland, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5407/tcleveland@sandiego.gov

Until further notice, Planning Commission meetings will be conducted pursuant to the provisions of California Government Code section 54953(b), as amended by Assembly Bill 361 which suspends certain requirements of the Ralph M. Brown Act during a proclaimed state of emergency when measures to promote social distancing are in effect or the City has determined meeting in person would present imminent risks to the health or safety of attendees.

During the current State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, all Planning Commissioners will be participating in Planning Commission meetings by teleconference and/or videoconference. There will be no members of the public in attendance at the Planning Commission Meetings. We are providing alternatives to in-person attendance for participating in Planning Commission meetings. Updated information is available on the Planning Commission webpage: <https://www.sandiego.gov/planning-commission>.

In lieu of in-person attendance, members of the public may submit their comments on agenda items using the public comment [webform](#) found on the Planning Commission webpage: <https://www.sandiego.gov/planning-commission>. If you have an attachment to your comment, you may send it to planningcommission@sandiego.gov and it will be distributed to the Planning Commissioners.

As a property owner, tenant, or person who has requested notice, please be advised that the Planning Commission will hold a public hearing to **reconsider** their December 2, 2021 decision to approve an appeal of an application for a Process Three, Conditional Use Permit to allow operation of a 2,995-square foot Cannabis Outlet within an existing three-story, 42,530-square-foot commercial building, including related building and site improvements. The 4.10-acre project site is located at 995 Gateway Center Way within the IL-3-1 zone, and Airport Influence Area (San Diego International Airport - Review Area 1), the Airport FM Part 77 Noticing Area (San Diego International Airport), Special Flood Hazard Area (100 Year Floodway and 100 Year Floodplain), and Very High Fire Hazard Severity Zone overlays of the Southeastern San Diego Community Plan area. By approving the appeal, the Planning Commission decision resulted in the denial of the project. If the Planning Commission suspends their Permanent Rules by a two-thirds vote, it may vote on a request for reconsideration. The motion to reconsider must be made by a member who voted on the prevailing side and must fall within one of the categories listing Section 2.6 of the Permanent Rules. If the motion to reconsider is approved by a majority of the Commission, a date will be set to rehear the project.

The decision made by the Planning Commission is the final decision by the City.

The certification of an Environmental Impact Report, or adoption of a Mitigated Negative Declaration or Negative Declaration, may be appealed to the City Council. All such appeals must be filed by 5:00 PM within ten (10) business

days from the date of the Development Services Department certification/adoption of the environmental document. Appeal procedures are described in [Information Bulletin 505](https://www.sandiego.gov/sites/default/files/dsdib505.pdf) (<https://www.sandiego.gov/sites/default/files/dsdib505.pdf>). During the Statewide “Safer-at-Home” directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the City Clerk must be filed by email or US Mail as follows:

- 1) Appeals filed via E-mail: [The Development Permit/Environmental Determination Appeal Application Form DS-3031](https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to Hearings1@sandiego.gov by 5:00 p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project # on the memo line of the check.
- 2) Appeals filed in person: [The Development Permit/Environmental Determination Appeal Application Form DS-3031](https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Deposit the fully completed appeal application [DS-3031](https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf) (including grounds for appeal and supporting documentation) in a sealed envelope, into the Drop-Off Box located under the Public Notice Kiosk to the left of the public entrance to the City Administration Building, 202 “C” Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The Drop-Off Box is available from 8:00am to 5:00pm Monday through Friday (excluding City-approved holidays). The completed appeal package must include the required appeal fee per this bulletin in the form of a check or money order payable to the “City Treasurer.” Please include the project # on the memo line of the check/money order. This Drop-Off Box is checked daily, and payments are processed the following business day.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call [Support Services at \(619\) 321-3208](tel:(619)321-3208) at least five business days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.



Development Services Department

Travis Cleveland / Project No. 660383 (Gateway CO CUP Reconsideration)
1222 First Ave., MS 301
San Diego, California 92101-4140

RETURN SERVICE REQUESTED